

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10

DHA-05 CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-07 /125 W

-----062343 260408Z /15

R 260008Z AUG 77

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 5038

INFO AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

C O N F I D E N T I A L USUN 2733

E.O. 11652: GDS

TAGS: PORG, UNGA, SHUM, SW, NL

SUBJ: RECONCILING THE THREE ANTI-TORTURE PROPOSALS AT GA

REF: A. STATE 144164; B. USUN 2261

1. SUMMARY: DOUBTS ABOUT WISDOM OF SWEDISH PROPOSAL FOR CONVENTION AGAINST TORTURE, FOR PRESENTATION AT THIS GA, GROWING AMONG WEOS. DUTCH WILL PROBABLY INTRODUCE ANOTHER PROPOSAL AGAINST TORTURE, WHICH WITH THE US PROPOSAL, MAKES THREE POSSIBLE INITIATIVES. DUTCH PLANNING TO SEND "HIGH-LEVEL" DELEGATION TO STOCKHOLM TO DISCUSS THIS AND OTHER HUMAN RIGHTS MATTERS. DUTCH HAVE ALSO NOTED THAT SOVIETS SEE NO NEED FOR CONVENTION AGAINST TORTURE. END SUMMARY.

2. AT MEETING OF WEOG COMMITTEE III AGENDA SUB-GROUP AUGUST 24, WITH SWEDEN ABSENT, THE REPRESENTATIVES OF BELGIUM, GREECE AND ITALY EXPRESSED A STRONG PREFERENCE TO REFER DRAFTING OF CONVENTION AGAINST TORTURE TO COMMITTEE ON CRIME PREVENTION AND CONTROL (CCPC) RATHER THAN TO HUMAN RIGHTS COMMISSION (HRC) AS CALLED FOR IN SWEDISH DRAFT PROPOSAL. GREEK REP STATED THAT CCPC COULD
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PROBABLY HANDLE THE MATTER MUCH MORE RAPIDLY AND EFFICIENTLY THAN THE HRC, EVEN THOUGH IT MEETS ONLY BIANNUALLY. AUSTRALIAN REP ALSO EXPRESSED PERSONAL PREFERENCE FOR CCPC. MISOFF STATES US RESERVATIONS REGARDING SWEDISH DRAFT (REFTEL A). BELGIAN, DUTCH, FRENCH AND AUSTRALIAN REPS THEN STATED THAT THEY FELT CONVENTION CALLED FOR BY SWEDES TO BE SUPERFLUOUS, BUT THEY WOULD PROBABLY SUPPORT INITIATIVE

IF SWEDES PERSISTED.

3. NETHERLANDS REP REPORTED THAT SWEDES HAD MADE DEMARCHE IN THE HAGUE SAYING THAT "OTHER INITIATIVES ON TORTURE ARE INCOMPATIBLE" WITH THEIR PROPOSAL CALLING FOR A CONVENTION. IN RESPONSE, DUTCH PLAN TO SEND A "HIGH-LEVEL" DELEGATION TO STOCKHOLM HEADED BY BURGER, THE SUCCESSOR TO VAN BOVEN IN THE DUTCH FM, TO DISCUSS THIS AND OTHER HUMAN RIGHTS MATTERS.

4. AT MEETING AUGUST 25 OF US MISOFF, DUTCH MISOFF, AND NEW SWEDISH COMMITTEE III REP, DUTCH MISOFF GAVE THE HAGUE'S OBJECTIONS TO SWEDEN'S PROPOSAL. MISOFF MADE POINTS CLOSE TO THOSE OF DUTCH (REFTEL A). DUTCHMAN ADDED THAT THERE WAS "90PERCENT CHANCE" THAT DUTCH WOULD RE-INTRODUCE THEIR ECOSOC RESOLUTION TABLED EARLIER THIS YEAR (UN DOC. E/AC.7/L.731, 4 MAY 1977) CALLING FOR HUMAN RIGHTS SUB-COMMISSION TO CREATE A SPECIAL WORKING GROUP TO HEAR COMPLAINTS REGARDING TREATMENT OF DETAINEES.

5. THIS MEANS THAT THREE DRAFTS (US, SWEDISH AND DUTCH) ON TORTURE ARE LIKELY TO BE INTRODUCED AT THIS GA. ALL THREE AGREED THIS WOULD BE UNFORTUNATE. POSSIBILITY DISCUSSED THAT DUTCH AND US PROPOSALS COULD PROBABLY BE MELED. SWEDISH REP UNDERLINED THAT HIS GOVERNMENT ALREADY FIRMLY AND PUBLICLY COMMITTED TO INTRODUCTION OF A CALL FOR A CONVENTION AGAINST TORTURE, SAYING HIS FM CONFIDENTIAL

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HAD MADE PUBLIC SPEECH TO THAT EFFECT. NONETHELESS, THE THREE AGREED TO COMMUNICATE TO THEIR CAPITALS THAT WE BELIEVE SOME EFFORT MUST BE MADE TO INTEGRATE THESE THREE PROPOSALS.

6. DUTCH REP REPORTED TO BOTH WEO MEETING THE 24TH AND TO NEW SWEDISH REP THE 25TH THAT UNDER SECRETARY FOR IO AFFAIRS AT DUTCH FOREIGN MINISTRY KOOYMANS HAD DISCUSSED SWEDISH DRAFT WITH SOVIET FOREIGN MINISTER DOBRYNIN AND OTHER SOVIET OFFICIALS IN MOSCOW RECENTLY, AND THAT SOVIETS HAD STATED THAT THEY SAW NO NEED FOR A CONVENTION AGAINST TORTURE. ON THIS BASIS DUTCH REP CLAIMED TO SWEDISH REP THAT POSSIBILITY OF CONSENSUS THAT SWEDES HAVE HITHERTO BEEN ABLE TO ACHIEVE IN PROCESS OF ELABORATION OF HUMAN RIGHTS STANDARD-SETTING DOCUMENTS HAS BEEN ELIMINATED. DUTCHMAN ALSO LISTED TO SWEDES THE LIST OF WEO COUNTRIES WHICH HAD EXPRESSED OPPOSITION TO SWEDISH PROPOSAL FOR CONVENTION AT WEOG SUB-GROUP MEETING THE DAY BEFORE.
LEONARD

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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Disposition Remarks:
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